

Attorney Docket No. 56545.010204

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Robert A. Livingston

SERIAL NO.: 10/521,845

Group Art Unit: \_\_\_\_\_

FILED: January 18, 2005

Examiner: \_\_\_\_\_

TITLE: PORTABLE COMPACT ULTRA HIGH PURITY WATER SYSTEM VIA  
DIRECT PROCESSING FROM CITY FEED WATERRESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Mail Stop PCT  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In Response to the Notification of Missing Requirements, a copy of which is attached hereto, enclosed please find a combined Declaration and Power of Attorney executed by the inventor.

A surcharge fee of \$65.00 is due pursuant to 37 CFR 1.492(e). Please deduct that amount from our Account No. 50-1561.

The Examiner also contends that an additional claim fee of \$450.00 is due because applicant submitted 4 independent claims and 34 claims in total. Applicant respectfully requests reconsideration. In fact, the application only contains 17 claims, of which only one claim, i.e., claim 1, is independent. Therefore, no additional claim fee is due. If the Examiner disagrees, however, then the Examiner is authorized to deduct the additional claim fee from our Account No. 50-1561.

07/07/2005 SNAJARRO 00000137 501561 10521845

|    |         |        |    |
|----|---------|--------|----|
| 01 | FC:2617 | 65.00  | DA |
| 02 | FC:2614 | 100.00 | DA |
| 03 | FC:2615 | 350.00 | DA |

Attorney Docket No. 56545.010204

Respectfully submitted,

Dated: June 28, 2005

By:



Gerard F. Diebner  
Registration No. 31,345  
Customer Number: 32361

Rec'd PCT/PTO 01 JUL 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

|                               |                       |                  |
|-------------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO.   | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/521,845                    | Robert A Livingston   | 56545-010204     |
| INTERNATIONAL APPLICATION NO. |                       | PCT/US03/21734   |
| I.A. FILING DATE              |                       | PRIORITY DATE    |
| 07/14/2003                    |                       | 07/19/2002       |
| CONFIRMATION NO. 1269         |                       |                  |
| 371 FORMALITIES LETTER        |                       |                  |
| <br>*OC000000015912193*       |                       |                  |

32361  
 GREENBERG TRAURIG, LLP  
 MET LIFE BUILDING  
 200 PARK AVENUE  
 NEW YORK, NY 10166

CASE 56545  
010204 ATTY GD  
 DUE JULY 4, 2005  
 1 MO. CALL-UP 6/4/05

Date Mailed: 05/04/2005

BY PC

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 01/18/2005
- Copy of the International Search Report filed on 01/18/2005
- Request for Immediate Examination filed on 01/18/2005
- U.S. Basic National Fees filed on 01/18/2005
- Priority Documents filed on 01/18/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$450** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- **\$65** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$515** for a Small Entity:

- **\$65 Late oath or declaration Surcharge.**
- Total additional claim fee(s) for this application is **\$ 450**
  - **\$100 for 1 independent claims over 3.**
  - **\$350 for 14 total claims over 20.**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

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Telephone: (703) 308-9140 EXT 216

**PART 2 - OFFICE COPY**

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| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/521,845                  | PCT/US03/21734                | 56545-010204     |

FORM PCT/DO/EO/905 (371 Formalities Notice)

Rec'd PCT/PTO 6 L JUL 2005

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

|                         |      |    |
|-------------------------|------|----|
| TOTAL AMOUNT OF PAYMENT | (\$) | 65 |
|-------------------------|------|----|

### Complete if Known

|                      |                      |
|----------------------|----------------------|
| Application Number   | PCT/US03/21734       |
| Filing Date          | January 18, 2005     |
| First Named Inventor | Robert A. Livingston |
| Examiner Name        |                      |
| Art Unit             |                      |
| Attorney Docket No.  | 56545.010204         |

### METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: 50-1561 Deposit Account Name: Greenberg Traurig

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayments of fee(s)  Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES |              | SEARCH FEES |              | EXAMINATION FEES |              | Fees Paid (\$) |
|------------------|-------------|--------------|-------------|--------------|------------------|--------------|----------------|
|                  | Fee (\$)    | Small Entity | Fee (\$)    | Small Entity | Fee (\$)         | Small Entity |                |
| Utility          | 300         | 150          | 500         | 250          | 200              | 100          | \$0            |
| Design           | 200         | 100          | 100         | 50           | 130              | 65           | \$0            |
| Plant            | 200         | 100          | 300         | 150          | 160              | 80           | \$0            |
| Reissue          | 300         | 150          | 500         | 250          | 600              | 300          | \$0            |
| Provisional      | 200         | 100          | 0           | 0            | 0                | 0            |                |

#### 2. EXCESS CLAIM FEES

##### Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

| Total Claims | Extra Claims   | Fee (\$) | Fee Paid (\$) | Multiple Dependent Claims |          |
|--------------|----------------|----------|---------------|---------------------------|----------|
|              |                |          |               | Fee (\$)                  | Fee (\$) |
|              | - 20 or HP = 0 | x \$0    | \$0           | 50                        | 25       |

HP = highest number of total claims paid for, if greater than 20.

| Indep. Claims | Extra Claims  | Fee (\$) | Fee Paid (\$) | Multiple Dependent Claims |          |
|---------------|---------------|----------|---------------|---------------------------|----------|
|               |               |          |               | Fee (\$)                  | Fee (\$) |
|               | - 3 or HP = 0 | x \$0    | \$0           | \$0                       | \$0      |

HP = highest number of independent claims paid for, if greater than 3.

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$)                             | Fee Paid (\$) |
|--------------|--------------|--|--------------------------------------|---------------|
| 0            | - 100 = 0    | / 50 = 0.0                                       | (round up to a whole number) x \$250 | \$0           |

#### 4. OTHER FEE(S)

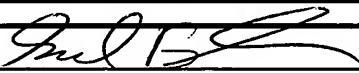
Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Surcharge Fee

Fees Paid (\$)

\$65

### SUBMITTED BY

|                   |   |   |                          |
|-------------------|---|---|--------------------------|
| Signature         |  | Registration No. 31,345<br>(Attorney/Agent) | Telephone (212) 801-2134 |
| Name (Print/Type) | Gerard F. Diebner   |   | Date June 28, 2005       |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No.: 56545.010204

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert A. Livingston

For: PORTABLE COMPACT ULTRA HIGH PURITY WATER SYSTEM VIA DIRECT  
PROCESSING FROM CITY FEED WATER

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**CERTIFICATE OF MAILING**

Mail Stop PCT  
Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I hereby certify that a Response to Notification of Missing Requirements, Combined Declaration for Patent Application and Power of Attorney and Notification of Missing Requirements under 35 U.S.C. 371 In the United States Designated/Elected Office (DO/EO/US) is being deposited with the United States Postal Service to Addressee via first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on June 29, 2005

Date of Deposit: June 29, 2005

Martha Matos  
Martha Matos